

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REVISED
AGENDA FOR REGULAR COUNCIL MEETING

June 12, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.

AND

LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
June 11, 2012
9:00 a.m.

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION by Border Patrol Chaplain Linda Camacho

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

1. JUNETEENTH FREEDOM CELEBRATION DAY
2. ARMY BIRTHDAY
3. WEST POINT DAY

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available

outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE:

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of June 5, 2012 and the Special City Council Meeting of May 24, 2012 and the Special City Council Meeting of May 29, 2012. [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Cortney Niland and Representative Emma Acosta

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign Amendment/Modification P90003 between the City of El Paso and the Transportation Security Administration which will close Other Transaction Agreement HSTS04-08-H-CT7021 for CCTV installation at the El Paso International Airport. This Modification will de-obligate residual funds and certify that all actions required by the agreement have been fully accomplished. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

3B. That the City Manager be authorized to sign a Memorandum of Understanding ("MOU") between the Transportation Security Administration and the City of El Paso regarding the Airport Closed Circuit Television Cameras ("CCTV") at the El Paso International Airport to identify the roles and responsibilities of the parties for the CCTV system. **(All Districts)** [Airport, Monica Lombrana, (915) 780-4724]

3C. That the City Manager be authorized to sign a Fourth Amendment to Industrial Site Lease by and between the City of El Paso ("Lessor") and 8201 Lockheed, L.P. ("Lessee") to add two options to extend the term of the lease; to amend the permitted uses allowed under the lease, and to revise the provisions to allow for

a readjustment of ground rental if an option to extend the lease term is exercised and to include updated indemnification language for the following described property: All of Lots 7, 12, 13, 14, 15 and 16, Block 9, El Paso International Airport Tracts Unit 7, an addition to the City of El Paso, El Paso County, Texas, consisting of approximately 198,037 square feet of land and municipally known and numbered as 8201 Lockheed, El Paso, Texas. **(District 3)**
[Airport, Monica Lombrana, (915) 780-4724]

- 3D.** That the City Manager be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Lockwood, Andrews & Newnam, Inc., a Texas Corporation, for a project known as "Alameda Corridor Rapid Transit System (Alameda Corridor RTS)" to add the additional design services, surveys, and relocations of stations in the amount of \$218,950 thereby extending the contract amount from \$1,950,000 to \$2,168,950 **(Districts 3, 6, 7, and 8)**

[Engineering and Construction Management, R. Alan Shubert (915) 541-4423]

- 3E.** That the City Manager be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and Lockwood, Andrews & Newnam, Inc., a Texas Corporation, for a project known as "Mesa Corridor Rapid Transit System (Mesa Corridor RTS)" to add the additional design services, surveys and evaluations in the amount of \$228,524 thereby extending the contract amount from \$1,480,791 to \$1,709,315 and extending the contract time from 225 calendar days to 303 calendar days. **(Districts 1 and 8)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 3F.** That the City Council ratify the award of Parks Upgrade 2010 – Phase I, Solicitation No. 2011-185, to Smart Con, LLC, the lowest responsive bidder, and approve the expenditure of additional available funding in the amount of \$6,043 to Smart Con, LLC for additional construction costs for the project. The change order and quantity notice provide for the removal of asphalt and the removal of additional grass and the installation of additional concrete sidewalk than that specified in the plans, which in turn necessitates modifications to the irrigation and storm water systems, adding ten days of contract time to contract Number 2011-185. The new contract sum, including this change order and quantity notice is \$54,833.37. **(Districts 5 and 8)**

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 3G.** That the City Engineer notify G. Contek, L.L.C. and Suretec Insurance Company that the City of El Paso is terminating Solicitation No. 2011-027 to G. Contek, L.L.C. for the construction of a project known as Westside Community Dog Park, pursuant to General Conditions 6.9 Right of Owner to Terminate the Contract, due to default by G. Contek, L.L.C. and that the termination shall become effective immediately upon delivery of notice.

The City Engineer shall file a claim with Sureteck Insurance Company, as the surety for G. Contek, L.L.C., notifying Suretec Insurance Company of the City of El Paso's intent to look to the surety for performance in accordance with the terms and conditions of Solicitation No. 2011-027 to G. Contek, L.L.C. for the construction of a project known as Westside Community Dog Park.

The City Manager is authorized to sign any take over agreements or related documents upon approval by the City Attorney's Office and the City Engineer and to take any actions necessary to accomplish the intent of the Resolution.

(District 1) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

- 3H.** That the City Engineer for the City of El Paso, is authorized to act as the representative for the City of El Paso in matters relating to the release of bonds when all work for which the bond was obtained has been satisfactorily completed, the warranty period for all the work has expired and the bond has expired, and that he or his designee is authorized to sign any and all documents necessary to complete the release of the bond, upon review by the City Attorney.
(All Districts) [Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
- 3I.** That the City Manager be authorized to sign a First Amendment to the Lease Agreement by and between Ricardo Rios ("Lessor") and the City Of El Paso ("Lessee") with regard to the property located at 1505 E. Missouri, El Paso, Texas, for the purpose of increasing the leased premises to the entire 1729 square feet and adjust the rental rate to \$950 per month. **(All Districts)**
[Health, Michael Hill, (915) 771-5702]
- 3J.** That the City Manager be authorized to sign and submit the amendment identified as Department of State Health Services (DSHS) Contract No. 2012-039543-001A for the RLSS – LPHS program, to increase the budget amount by \$30,563.86 (for new total of \$190,777), and that the City Manager be authorized to sign any amendments thereto to extend the project for up to twelve months, to make adjustments to the contract program budget that do not change the contract amount, and to sign all related certifications, upon review by the City Attorney's Office. **(All Districts)** [Health, Michael Hill, (915) 771-5702]
- 3K.** That the City Manager be authorized to sign and submit the amendment identified as Department of State Health Services (DSHS) Contract No. 2012-040379-001A for the HIV Surveillance – Federal Core program, to change the contract ending date to August 31, 2012, change the reporting dates and reduce the total contract amount accordingly, and that the City Manager be authorized to sign any amendments thereto to extend the project for up to twelve months, to make adjustments to the contract program budget that do not change amount, and to sign all related certifications, upon review by the City Attorney's Office.
(All Districts) [Health, Michael Hill, (915) 771-5702]
- 3L.** That the Mayor be authorized to sign an Interlocal Agreement between El Paso County on behalf of the El Paso County Juvenile Probation Department and the City of El Paso on behalf of the El Paso Municipal Courts, under the authority and in accordance with the Interlocal Cooperation Act, as set out in Chapter 791, Texas Government Code. This Agreement is made under Amendment Number One to an award from the Texas Juvenile Justice Department Grant S, for the 2012-2013 biennium, date March 15, 2012 for a total amount not to exceed \$23,608 for the remainder of Fiscal Year 2012, and \$47,216 for Fiscal Year 2013, ending on August 31, 2013, for a total not to exceed \$70,824.
(All Districts) [Municipal Court, Richarda Duffy Momsen (915) 541-4127]

- 3M.** To approve a Resolution to authorize the City Manager to sign the Interlocal Agreement between the County of El Paso (COUNTY) and the City of El Paso (CITY) to submit a grant application to the Department of Justice – 2012 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$237,364. The funds received under the JAG program will be allocated 50% to the COUNTY and 50% to the CITY. **(All Districts)** [Police, Robert Feidner, (915) 564-7119]
- 3N.** That the City Manager be authorized to sign Consent to Assignment of Contract from Superior Fruit & Vegetables to Olus Distributing, Inc. with respect to the City of El Paso's Contract No. 2009-023 (Zoo Animal Food-Produce).

Department: Zoo
Districts: **ALL**
[Zoo, Steve Marshall, (915) 521-1850]
[Financial Services, Bruce D. Collins (915) 542-4313]

4. SPECIAL APPOINTMENT:

Matthew B. Cross as an Assistant City Attorney effective June 12, 2012. **(All Districts)**
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

5. BOARD RE-APPOINTMENT:

Moises Rodriguez, Jr. to the Community Development Steering Committee by Representative Emma Acosta, District 3. [Representative Emma Acosta, 9915) 541-4515]

6. BOARD APPOINTMENTS:

- 6A.** Ralph Adame to the Board of Directors for Tax Increment Reinvestment Zone Number Six by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]
- 6B.** Gustavo Reveles Acosta to the Ad Hoc Charter Advisory Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

7. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

8. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 8A.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to GFI Genfare, a Division of SPX Corporation, the sole provider of Sun Metro's Odyssey Fareboxes and Ticket Vending Machines for one-time purchase of revenue collection equipment necessary at New Operations facility.

Department: Mass Transit Department (Sun Metro)
Award to: GFI Genfare, a Division of SPX Corporation
Elk Grove Village, IL
Annual Estimated Amount: \$371,649

Total Estimated Award: \$371,649 (1 time purchase)
Account No.: 14400100 – 508004 – 27265 – PCP09MT008
Funding Source: 2009 Certificates of Obligation
Districts: All
Sole Source No.: 2012-246

This is a sole source, supplies contract.
[Mass Transit, Jay Banasiak, (915) 534-5810]
[Financial Services, Bruce D. Collins, (915) 541-4313]

- 8B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2008-188R (Professional Auditing Services) with BKD, LLP for one additional year pursuant to the provisions of an award approved by the City Council on July 1, 2008 in conjunction with the City's audit for the fiscal year ended August 31, 2012, and sign an Agreement for Professional Auditing Services for fiscal year 2012.

Department: Financial Services
Award to: BKD, LLP
Dallas, TX
Option: Four [of Four]
Estimated Amount: \$335,420 (Total for 1 year extension)
Funding Source: Various
Districts: All

This is an RFQ, service contract.
[Comptroller, Mark Sutter, (915) 541-4014]
[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 9A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.20 (Traffic-Control Devices), Section 12.20.190 (School Flasher Signal Installations), of the El Paso City Code, to amend the financial responsibility for the design and installation of a school flasher signal, the penalty being as provided in Section 12.84.010 of the El Paso City Code. **(All Districts)**
[Department of Transportation, Rudy Pino, (915) 599-6204]
- 9B.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey 0.971 acres of city land, an El Paso Water Utilities Public Service Board Water Well Site Number 25, and a Drainage Easement for highway purposes of 0.032 acres (1,394 square feet) on adjacent Parcel 49E, both under the jurisdiction of the El Paso Water Utilities Public Service Board, to the State of Texas, acting by and through its Texas Department of Transportation for the Loop 375 Transmountain Road Project, from U.S. 54 (Patriot Freeway) to BU 54 (Dyer Street), just east of Rushing Road, El Paso, El Paso County, Texas and

authorizing the City Manager to sign any and all necessary documentation to complete the conveyance and providing an effective date. **(All Districts)**
[El Paso Water Utilities, Marcela Navarrete (915) 594-5614]

PUBLIC HEARING WILL BE HELD ON JUNE 19, 2012, FOR ITEM 9A – 9B

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

10. ENGINEERING AND CONSTRUCTION MANAGMENT:

Discussion and action on the award of Solicitation No. 2012-213R for Equipment for New Facility Mass Transit Department (Sun Metro) to and for estimated amounts of:

Department: Engineering and Construction Management

Award to: El Paso Automated Office & Industrial Systems

BASE BID 1: \$245,407.80

BASE BID 2: \$ 97,801.00

BASE BID 3: \$358,670.00

BASE BID 4: \$ 12,536.00

BASE BID 5: \$ 23,992.00

BASE BID 7: \$618,620.00

BASE BID 9: \$229,000.00

BASE BID 10:\$179,272.00

BASE BID 11:\$115,600.00

BASE BID 12:\$ 78,650.00

Ross & White Company

BASE BID 6: \$497,738.00

Mesa Equipment

BASE BID 13: \$ 82,950.00

Global Finishing Solutions, LLC

BASE BID 14: \$474,000.00

Award For: El Paso Automated Office & Industrial Systems
BASE BID 1, 2, 3, 4, 5, 7, 9, 10, 11 & 12:
\$1,959,548.80

Option: To purchase 100% additional quantity at the same unit price if exercised 30 days from the date of award of the contract.

Award For: Ross & White Company
BASE BID 6: \$497,738

Option: To purchase 100% additional quantity at the same unit price if exercised 60 days from the date of award of the contract.

Award For: Mesa Equipment
BASE BID 13: \$82,950

Option: To purchase 100% additional quantity at the same unit price if exercised 60 days from the date of award of the contract.

Award For: Global Finishing Solutions, LLC
BASE BID 6: \$474,000

Option: To purchase 100% additional quantity at the same unit price if exercised 90 days from the date of award of the contract.

Total Estimated Completion: \$3,014,236.80
Funding Source: FY09 Certificates of Obligation
District: 2

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid unit-price contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]
[Sun Metro, Jay Banasiak, (915) 534-5810]

11. GENERAL SERVICES:

Discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2009-131 (Ford Motor Company Proprietary Parts and Service) with Casa Ford, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on June 23, 2009. The extended contract period will be from June 12, 2012 to June 11, 2014.

Department: General Services
Award to: Casa Ford, Inc.
El Paso, TX
Option: One [of One]
Annual Estimated Amount: \$410,000
Total Estimated Amount: \$820,000 (2 Years)
Account No.: 37370510 – 503121 – 45202 and/or
37370510 – 503125 – 45202
Funding Source: General Services Department – Internal Service Fund
Districts: All

This is a low bid, supplies contract.
[General Services, Stuart Ed, (915) 621-6822]
[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA – OTHER BUSINESS

12. ENGINEERING AND CONSTRUCTION MANAGMENT:

Discussion and action that the City Manager be authorized to sign the Agreement for Professional Services by and between the City of El Paso and SWA Group, a California Corporation, for a project known as “San Jacinto Plaza Redesign” for an amount not to exceed \$500,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$550,000. **(District 8)**
[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

13. POLICE:

Discussion and action that the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, County of El Paso, the City of Socorro, and the City of Horizon to submit a joint application to the U.S. Department of Homeland Security—Operation Stonegarden 2011, in the amount of \$3,617,223. If the Operation Stonegarden 2011 Grant Award is less than the amount requested, and is not allocated specifically between the parties, the Operation Stonegarden Grant Award will be shared proportionally in the same proportion as the funds requested as described in Attachment A. The City grant funds will be utilized to enhance the capability of the El Paso Police Department to detect, prevent, and deter terrorists, weapons of mass destruction, transnational gangs, and smuggling of contraband. These efforts are expected to reduce crime in the border community to ultimately improve the quality of life for the residents in the City of El Paso. That the City May or his designee be authorized to sign and grant related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit necessary revisions to the operational plan. No cash match is required.
. **(All Districts)** [Police, Robert Feidner, (915) 564-7119]

14. MAYOR AND COUNCIL:

Discussion and action on a resolution to establish the City of El Paso Advisory Committee on Public Service Board Land Management. [Mayor John F. Cook, (915) 541-4145]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Teresa Rios vs. City of El Paso; Cause No. 2009-2109 (551.071)
[City Attorney's Office, Laura P. Gordon (915) 541-4550]
- EX2.** Claim of S & S Portable Services/Cain Rentals; Our File No. 12-1049-036 (551.071)
[City Attorney's Office, Laura P. Gordon (915) 541-4550]
- EX3.** David Fabela and Edward Martinez vs. Kathy Ann Sarver-Navaro, et. al.; Cause No. 2012-DCV03550 (551.071) [City Attorney's Office, Laura P. Gordon (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>